

SEP 08 2004

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TO: Mail Stop PETITION
USPTO FACSIMILE NO.: 703-872-9306
USPTO REFERENCE: Applicant: Kim et al.
Serial No.: 10/099,781
Filed: March 14, 2002
Title: DOUBLE-SPIRO ORGANIC COMPOUNDS AND
ORGANIC ELECTROLUMINESCENT DEVICES
USING THE SAME
ATTORNEY: Paul C. Steinhardt, Reg. No. 30,806
PHONE NO.: 619-687-8617
ATTORNEY DOCKET NO.: MUTU12.001AUS
TOTAL PAGES: 23 (INCLUDING COVER SHEET)
DOCKETING AGENT:
DATE: September 8, 2004

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MESSAGE: *Attached for filing in the above-referenced application are:*

1. Petition Under 37 C.F.R. § 1.181(A) to Withdraw Holding of Abandonment in 2 pages
2. Exhibit A in 18 pages
3. Exhibit B in 2 pages

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Page 1

PETITION UNDER 37 C.F.R. § 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT

First named inventor : Kong Kyeom Kim
App. No. : 10/099,781
Filed : March 14, 2002
Title : DOUBLE-SPIRO
ORGANIC COMPOUNDS
AND ORGANIC
ELECTROLUMINESCENT
DEVICES USING THE
SAME
Examiner : C. S. Thompson

Group Art Unit: 1774

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

September 8, 2004

(Date)

Paul C. Steinhardt, Reg. No. 30,806

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Mail Stop PETITION

Petitioner hereby petitions the Director under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment described in the Notice of Abandonment mailed July 9, 2004 since the application is not, in fact, abandoned.

The basis for this petition is the timely filing of a *bona fide* response to the Restriction Requirement mailed September 29, 2003. The *bona fide* response to the Restriction Requirement was included in the document entitled "Preliminary Amendment and Response to Restriction & Election Requirements" deposited with the United States Postal Service on October 28, 2003.

A copy of this document, which includes a certificate of mailing executed on October 28, 2003 in accordance with 37 C.F.R. § 1.8(a)(1), is submitted herewith as Exhibit A. Also enclosed, as Exhibit B, is a copy of a return postcard enclosed with the document when filed. As can be seen, the postcard has been date-stamped to clearly identify the receipt date at the U.S. Patent and Trademark Office as October 31, 2003. Petitioner respectfully submits that the date-stamped postcard of Exhibit B constitutes *prima facie* evidence that the reply was timely filed.

As to the indication on the Notice of Abandonment that "[t]he office of Knobbe, Martens, Olson and Bear informed the U.S. Patent Office that this application has gone abandoned in place of a divisional application to be filed," the petitioner is not aware of any such communication. Further, even if such communication were to have occurred, 37 C.F.R. § 1.138 requires that an application be expressly abandoned by written declaration signed by a party authorized under § 1.33(b)(1), (b)(3), or (b)(4). There has been no indication that any such written declaration exists.

Client Code: MUTU12.001AUS
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Petitioner respectfully submits that there is no basis for abandonment of the present application and therefore petitions for withdrawal of the holding of abandonment. This petition is made within two months of the mailing of the Notice of Abandonment at hence believed to be timely under 37 C.F.R. § 1.181(f).

No fee is believed due at this time. However, please charge any fees or apply any credits to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Sept. 8, 2004

By: 

Paul C. Steinhardt
Registration No. 30,806
Attorney of Record
Customer No. 20,995
(619) 235-8550

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EXHIBIT A

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PATENT

MUTU12.001AUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kim, et al.
Appl. No. : 10/099,781
Filed : March 14, 2002
For : DOUBLE-SPIRO ORGANIC
COMPOUNDS AND ORGANIC
ELECTROLUMINESCENT
DEVICES USING THE SAME
Examiner : Carrie S Thompson
Group Art Unit : 1774

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Mincheol Kim, Reg. No. 51,306

PRELIMINARY AMENDMENT
AND
RESPONSE TO RESTRICTION & ELECTION REQUIREMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in reply to the Restriction Requirement mailed September 29, 2003 in the above-identified application.

Amendments to Claims and Pending Claims of this application begin on page 2 of this paper.

Discussion of Claim Amendments begins on page 15 of this paper.

Election of Invention and Traverse of Restriction Requirement begins on page 16 of this paper.

Election of Species begins on page 17 of this paper.